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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,830	01/21/2005	Volker Rogasch	2002P11895WOUS	2395

7590 01/10/2008
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

HSU, ALPUS

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,830	Applicant(s) ROGASCH ET AL.	
	Examiner Alpus H. Hsu	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/21/05, 6/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. Claims 21-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 3, "the message" lacks antecedent basis since only a message cell is recited previously; line 7, "each message cell" lacks antecedent basis since only one message cell is recited previously.

In claim 23, line 2, "the frame network" and "the virtual connection", each lacks antecedent basis.

In claim 25, line 1, "the insert functions" lacks antecedent basis.

In claim 26, line 4, "the asynchronous transfer mode forum" lacks antecedent basis.

In claim 27, lines 2-3, "the further assigned connection-particular transmission parameter" lacks antecedent basis.

In claim 28, line 1, "the insert functions", line 3, "the lowest specified cell delay variation tolerance value", each lacks antecedent basis.

In claim 29, lines 1-2, "the second packet-oriented communication network" has no clear antecedent.

In claim 30, lines 3-4, "the user_priority information", "the tag control information data field", and "the Ethernet-encoded tag header", each lacks antecedent basis.

In claim 35, it is unclear as to what is intended to be the claimed limitation for a communication arrangement. Is it intended to be a method or an apparatus? By reciting that the

communication arrangement comprising “priorities”, “insert tools” and “further assign tools” cannot support the claim as an apparatus claim since “priorities” has no physical feature presented as an element for an apparatus, and “insert tools” and “further assign tools” can be implemented as a hardware, firmware or software, which render the claim vague and indefinite since both tools are not necessary to be considered as parts of an apparatus.

Furthermore, in claim 35, line 8, claim 36, line 6, it is confusing for reciting “second communication network”. Are they referring to the second packet-oriented communication network as in claim 35, lines 2-3?

In claim 38, it is unclear as to what is intended to be the claimed limitation for a communication device by reciting that the communication device comprising “insert tools” and “further assign tools” since the “insert tools” and “further assign tools” can be implemented as a hardware, firmware or software, which render the claim vague and indefinite because both tools are not necessary to be considered as parts of an apparatus.

In claim 39, line 6 and claim 40, lines 3 and 5, it is confusing for reciting “second communication network”. Are they referring to the second packet-oriented communication network as in claim 38, lines 2-3?

3. Claims 21-40 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The following is an examiner’s statement of reasons for allowance:

The subject matter of all claims is allowable over the prior art of record because all prior arts fail to teach or suggest a method or an apparatus for at least partially transmitting a message cell in an access communication network via a packet-oriented communication network, the

access communication network having priorities that can be assigned to the message cell, the message cell is transmitted via the access communication network in accordance with the priorities assigned by: adding the message cell to a user data field of a data packet of the packet-oriented communication network, the message cell added to the same user data field having the same assigned priority, deriving a transmission priority from the priority of the added message cell; assigning the derived priority to the data packet, and partially transmitting the data packet according to the assigned transmission priority via the packet-oriented communication network.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kilkki et al. '778 & '617, Chase et al. '524, '671, '611 & '118, Yazaki et al. '153 & '470, McDysan, and Dugeon et al. are all cited to show the common feature of traffic management for ATM cell transmission utilizing transmission priorities similar to the claimed invention.

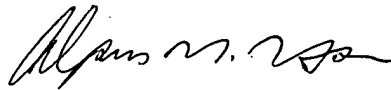
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AHH

Alpus H. Hsu
Primary Examiner
Art Unit 2619